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April 16, 2021

Via ECF

Honorable Cathy Seibel
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: United States v. Cliphas Belfon, 19 Cr. 375 (CS)

Dear Judge Seibel:

We are CJA counsel for defendant Cliphas Belfon in the above referenced matter. Per the Court's suggestion, we write to request funding pursuant to 18 U.S.C. § 4285 for Mr. Belfon to appear in Court for his sentencing which is scheduled for May 27, 2021.

As the Court is aware, Mr. Belfon resides in Florida. After our experience with Mr. Belfon's plea proceeding – in which he pled via video from the front seat of a car – we determined that it would harm Mr. Belfon for his sentencing hearing to take place remotely by video. Mr. Belfon lacks the funds to pay for a flight from Florida to New York, one or two nights in a hotel while in New York, meals while in New York, and the COVID-19 PCR test required to enter the courthouse.

Section 4285 provides:

Any judge... when ordering a person released... on a condition of his subsequent appearance before that court... may, when the interests of justice would be served thereby and the United States judge... is satisfied, after appropriate inquiry, that the defendant is financially unable to provide the necessary transportation to appear before the required court on his own, direct the United States marshal to arrange for that person's means of noncustodial transportation or furnish the fare for such transportation to the place where his appearance is required, and in addition may direct the United States marshal to furnish that person with an amount of money for subsistence expenses to his destination, not to exceed the amount authorized as a per diem allowance for travel.... When so ordered, such expenses shall be paid by the marshal out of funds authorized by the Attorney General for such expenses.

Hon. Cathy Seibel
April 16, 2021
Page 2 of 2

18 U.S.C. § 4285

Mr. Belfon lacks the financial ability to pay for travel to New York for sentencing. As noted in the PreSentence Report ¶ 119, Mr. Belfon is financially supported by his family. He works odd jobs such as mowing lawns to help contribute. He was previously employed as a dishwasher at Morton's Steakhouse, but is no longer employed there. He does not possess any savings.

Accordingly, we request that the Court direct the Marshal's Service to arrange or furnish funds for (1) Mr. Belfon's flight to/from Florida/New York for sentencing and to return home; (2) one or two nights in a hotel while in New York; (3) meals while in New York; and (4) the COVID-19 PCR test required to enter the courthouse.

Respectfully submitted,

s/ Steven D. Feldman

Steven D. Feldman

cc: All Counsel (via ECF)

The Pre-Sentence Report indicates that Defendant has not provided a financial affidavit. He shall do so no later than 4/26/21. Assuming that that affidavit confirms that Defendant cannot afford to travel to White Plains for sentencing, the U.S. Marshals Service shall arrange for Defendant's travel for that purpose. The Marshals Service does not pay for overnight accommodations, so Defendant should expect to fly the morning of his sentencing. In order to comply with the Court's 4/9/21 Entry Protocol for Travelers (available on the Court's website), Defendant must either have a negative PCR test within two days of entry to the Courthouse or be fully vaccinated (and be able to document one or the other upon arrival at the Courthouse). Both the vaccine and COVID tests are available for free in Florida, so Defendant shall arrange for one or the other in a timely fashion. The Court strongly suggests the vaccine so that there is no concern about receiving test results in time. Defendant must also take precautions for 14 days before arrival at the Courthouse so that he meets the Court's 4/9/21 Restrictions on Entry to Courthouses (also available on the Court's website).

SO ORDERED.


CATHY SEIBEL, U.S.D.J.

4/19/21